

VIRGINIA BOARD FOR CONTRACTORS **DIRECTORY**

Information and forms are available over the internet at: www.dpor.virginia.gov

Please use these telephone numbers for the following actions:

To request an application form	(804) 367-8511
To make an inquiry on a pending application	(804) 367-8511
To make an inquiry regarding the Board or its regulations	(804) 367-8511
To file a complaint against a contractor	(804) 367-8504
To make an inquiry on the status of a filed complaint	(804) 367-8504
To obtain information on the Virginia Contractor Transaction Recovery Fund	(804) 367-1559

Please write to the Board for Contractors at the below address to request the following:

1. An interpretation of the Board's regulations.
2. A waiver from the Board's regulations regarding a specific entry requirement
(See 18 VAC 50-22-40, 18 VAC 50-22-50, and 18 VAC 50-22-60 of these regulations); or
3. Reciprocity for a required examination (See 18 VAC 50-22-70 of these regulations).

VIRGINIA BOARD FOR CONTRACTORS
Department of Professional and Occupational Regulation
The Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233

Please write to the Contractor's Licensing Section at the below address to request the following:

1. A change of name in which your firm operates (See 18 VAC 50-22-230 A of these regulations);
2. A change of your firm's address (See 18 VAC 50-22-230 B of these regulations); or
3. General information or an application form.

BOARD FOR CONTRACTORS' LICENSING SECTION
Department of Professional and Occupational Regulation
The Perimeter Center, Suite 400
9960 Mayland Drive
Richmond, Virginia 23233

NOTICE OF REGULATORY CHANGES

These regulations became effective February 1, 2006. The following is a summary of these changes:

18 VAC 50-22-10 – Adds the definitions of “Helper or Laborer,” “Supervision,” and “Supervisor”

18 VAC 50-22-20 – Adds “Steel Erection” to the list of functions that may be performed by Highway/Heavy Contractors

18 VAC 50-22-30 – Removes “Alarm/Security Systems Contracting” from the list of specialty services available to contractors. Amends the definition of “Equipment/Machinery contracting” to include boilers regulated by the Department of Labor and Industry. Amends “Lead abatement contracting” to include incidental work performed by contractors holding the HVA classification. Clarifies the “Liquefied petroleum gas contracting” and “Natural gas fitting provider contracting” definitions to allow contractors holding the GFC specialty to also perform this function. Removes “Bricks” from the list of specialty contractors that may fall into another category.

18 VAC 50-22-260 – Removes the requirement that the expiration date of the license must appear on the contract. Adds a prohibited act for failure to ensure that supervision, as defined in 18 VAC 50-22-10, is provided to all helpers and laborers assisting licensed tradesman.

STATEMENT OF PURPOSE

This booklet contains information you will need to obtain your contractor’s license. The law that governs your profession is found in the Code of Virginia, as amended, in Title 54.1, Chapter 11. That law permits the Board for Contractors, through the Department of Professional and Occupational Regulation, to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey both to obtain and to keep your license.

IT IS YOUR RESPONSIBILITY TO READ THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO FOLLOW THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.

The Virginia Board for Contractors and the Department of Professional and Occupational Regulation wish to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please contact us.

Our address is:	VIRGINIA BOARD FOR CONTRACTORS Department of Professional and Occupational Regulation The Perimeter Center, Suite 400 9960 Mayland Drive Richmond, Virginia 23233
Our phone number is:	(804) 367-8511
Our email address is:	contractor@dpor.virginia.gov

TABLE OF CONTENTS

<u>DIRECTORY</u>	1
<u>NOTICE OF REGULATORY CHANGES</u>	2
<u>STATEMENT OF PURPOSE</u>	2
 <u>REGULATIONS</u>	
Part I Definitions	5-14
Part II Entry	15-21
Part III Renewal	22-24
Part IV Reinstatement	25-27
Part V Standards of Practice and Conduct	28-34
 <u>STATEMENT OF PROTECTIONS*</u>	 35

* This consumer information sheet or the information contained therein needs to be included in all residential contracts, as defined in 18 VAC 50-22-260-B-9 of the board's regulations, when such contracts are the result of a door-to-door solicitation. For more information, see 18 VAC 50-22-260-B-9 of the board's regulations found on page 20 of this booklet.

PART I

DEFINITIONS.

18 VAC 50-22-10. General definitions.

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Controlling financial interest" means the direct or indirect ownership or control of more than 50% ownership of a firm.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, military, correspondence schools or other similar training organizations.

"Full-time employee" means an employee who spends a minimum of 30 hours a week carrying out the work of the licensed contracting business.

"Helper" or "Laborer" means a person who assists a licensed tradesman and who is not an apprentice as defined in 18 VAC 50-30-10.

"Licensee" means a firm holding a license issued by the Board for Contractors to act as a contractor, as defined in § 54.1-1100 of the Code of Virginia.

"Net worth" means assets minus liabilities. For purposes of this chapter, assets shall not include any property owned as tenants by the entirety.

"Reciprocity" means an arrangement by which the licensees of two states are allowed to practice within each other's boundaries by mutual agreement.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his own name, or under an assumed or fictitious name pursuant to the provisions of § 59.1-69 through 59.1-76 of the Code of Virginia.

"Supervision" means providing guidance or direction of a delegated task or procedure by a tradesman licensed in accordance with Title 54.1, Chapter 11 of Code of Virginia, being accessible to the helper or laborer, and periodically observing and evaluating the the performance of the task or procedure.

"Supervisor" means the licensed master or journeyman tradesman who has the responsibility to ensure that the installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code and provides supervision to helpers and laborers as defined in this chapter.

"Tenants by the entirety" means a tenancy which is created between a husband and wife and by which together they hold title to the whole with right of survivorship so that, upon death of either, the other takes whole to exclusion of the deceased's remaining heirs.

Historical Notes:

Derived from VR220-01-2:1 §1.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006.

18 VAC 50-22-20. Definitions of license classifications.

The following words and terms, when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Building contractors" (Abbr: BLD) means those individuals whose contracts include construction on real property owned, controlled or leased by another person of commercial, industrial, institutional, governmental, residential (single-family, two-family or multifamily) and accessory use buildings or

structures. This classification also provides for remodeling, repair, improvement or demolition of these buildings and structures. A holder of this license can do general contracting.

If the BLD contractor performs specialty services, all required specialty designations shall be obtained. The building classification includes but is not limited to the functions carried out by the following specialties:

Billboard/sign contracting	Landscape service contracting
Commercial improvement contracting	Marine facility contracting
Farm improvement contracting	Modular/manufactured building contracting
Home improvement contracting	Recreational facility contracting

"Electrical contractors" (Abbr: ELE) means those individuals whose contracts include the construction, repair, maintenance, alteration, or removal of electrical systems under the National Electrical Code. This classification provides for all work covered by the National Electrical Code including electrical work covered by the alarm/security systems contracting (ALS), electronic/communication service contracting (ESC) and fire alarm systems contracting (FAS) specialties. A firm holding an electrical license is responsible for meeting all applicable tradesman licensing standards.

"Highway/heavy contractors" (Abbr: H/H) means those individuals whose contracts include construction, repair, improvement, or demolition of the following:

Bridges	Rail roads
Dams	Roads
Drainage systems	Runways
Foundations	Streets
Parking lots	Structural signs & lights
Public transit systems	Tanks

The functions carried out by these contractors include but are not limited to the following:

Building demolition	Nonwater well drilling
Clearing	Paving
Concrete work	Pile driving
Excavating	Road marking
Grading	Steel Erection

These contractors also install, maintain, or dismantle the following:

1. Power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter;
2. Pumping stations and treatment plants;
3. Telephone, telegraph or signal systems for public utilities; and

4. Water, gas, and sewer connections to residential, commercial, and industrial sites, subject to local ordinances.

This classification may also install backflow prevention devices incidental to work in this classification when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"HVAC contractors" (Abbr: HVA) means those individuals whose work includes the installation, alteration, repair, or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heaters, heating systems, boilers, process piping, and mechanical refrigeration systems, including tanks incidental to the system. This classification does not provide for fire suppression installations, sprinkler system installations, or gas piping. A firm holding a HVAC license is responsible for meeting all applicable tradesman licensure standards. This classification may install backflow prevention devices incidental to work in this classification.

"Plumbing contractors" (Abbr: PLB) means those individuals whose contracts include the installation, maintenance, extension, or alteration, or removal of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

Backflow prevention devices	Public/private water supply systems within or
Boilers	adjacent to any building, structure or conveyance
Hot water baseboard heating systems	Sanitary or storm drainage facilities
Hot water heaters	Steam heating systems
Hydronic systems	Storage tanks incidental to the installation of
Limited area sprinklers (as defined by BOCA)	related systems
Process piping	Venting systems related to plumbing

These contractors also install, maintain, extend or alter the following:

Liquid waste systems	Storm water systems
Sewerage systems	Water supply systems

This classification does not provide for gas piping or the function of fire sprinkler contracting as noted above. A firm holding a plumbing license is responsible for meeting all applicable tradesman licensure standards.

"Specialty contractors" means those individuals whose contracts are for specialty services which do not generally fall within the scope of any other classification within this chapter.

Historical Notes:

Derived from VR220-01-2:1 §1.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006.

18 VAC 50-22-30. Definitions of specialty services.

The following words and terms, when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Alternative energy system contracting" (Abbr: AES) means that service which provides for the installation, repair or improvement, from the customer's meter, of alternative energy generation systems, supplemental energy systems and associated equipment annexed to real property. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Asbestos contracting" (Abbr: ASB) means that service which provides for the installation, removal, or encapsulation of asbestos containing materials annexed to real property. No other classification or specialty service provides for this function.

"Asphalt paving and sealcoating contracting" (Abbr: PAV) means that service which provides for the installation of asphalt paving and/or sealcoating on subdivision streets and adjacent intersections, driveways, parking lots, tennis courts, running tracks, and play areas, using materials and accessories common to the industry. This includes height adjustment of existing sewer manholes, storm drains, water valves, sewer cleanouts and drain grates, and all necessary excavation and grading. The H/H classification also provides for this function.

"Billboard/sign contracting" (Abbr: BSC) means that service which provides for the installation, repair, improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H and BLD are the only other classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. No trade related plumbing, electrical, or HVAC work is included in this function.

"Blast/explosive contracting" (Abbr: BEC) means that service which provides for the use of explosive charges for the repair, improvement, alteration, or demolition of any real property or any structure annexed to real property.

"Commercial improvement contracting" (Abbr: CIC) means that service which provides for repair or improvement to nonresidential property and multifamily property as defined in the Virginia Uniform Statewide Building Code. The BLD classification also provides for this function. The CIC classification does not provide for the construction of new buildings, accessory buildings, electrical, plumbing, HVAC or gas work.

"Concrete contracting" (Abbr: CEM) means that service which provides for all work in connection with the processing, proportioning, batching, mixing, conveying and placing of concrete composed of materials common to the concrete industry. This includes but is not limited to finishing, coloring,

curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing and waterproofing. Construction and assembling of forms, molds, slipforms, pans, centering, and the use of rebar is also included. The BLD and H/H classifications also provide for this function.

"Electronic/communication service contracting" (Abbr: ESC) means that service which provides for the installation, repair, improvement, or removal of electronic or communications systems annexed to real property including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license is responsible for meeting all applicable tradesman licensure standards. The ELE classification also provides for this function.

"Elevator/escalator contracting" (Abbr: EEC) means that service which provides for the installation, repair, improvement or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license is responsible for meeting all applicable tradesman licensure standards. No other classification or specialty service provides for this function.

"Environmental monitoring well contracting" (Abbr: EMW) means that service which provides for the construction of a well to monitor hazardous substances in the ground.

"Environmental specialties contracting" (Abbr: ENV) means that service which provides for installation, repair, removal, or improvement of pollution control and remediation devices. No other specialty provides for this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Equipment/machinery contracting" (Abbr: EMC) means that service which provides for the installation or removal of equipment or machinery including but not limited to conveyors or heavy machinery. Boilers, exempted by the Virginia Uniform Statewide Building Code, but regulated by the Department of Labor and Industry are also included in this specialty. This specialty does not provide for any electrical, plumbing, process piping or HVAC functions.

"Farm improvement contracting" (Abbr: FIC) means that service which provides for the installation, repair or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use structure, or additions thereto. The BLD classification also provides for this function. The FIC specialty does not provide for any electrical, plumbing, HVAC, or gas fitting functions.

"Fire alarm systems contracting" (Abbr: FAS) means that service which provides for the installation, repair, or improvement of fire alarm systems which operate at 50 volts or less. The ELE classification also provides for this function. A firm with an FAS license is responsible for meeting all applicable tradesman licensure standards.

"Fire sprinkler contracting" (Abbr: SPR) means that service which provides for the installation, repair, alteration, addition, testing, maintenance, inspection, improvement, or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. This specialty

does not provide for the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification allows for the installation of limited area sprinklers as defined by BOCA. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and sprinkler system when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Fire suppression contracting" (Abbr: FSP) means that service which provides for the installation, repair, improvement, or removal of fire suppression systems including but not limited to halon and other gas systems; dry chemical systems; and carbon dioxide systems annexed to real property. No other classification provides for this function. The FSP specialty does not provide for the installation, repair, or maintenance of water sprinkler systems.

"Gas fitting contracting" (Abbr: GFC) means that service which provides for the installation, repair, improvement, or removal of gas piping and appliances annexed to real property. A firm with a GFC license is responsible for meeting all applicable tradesman licensure standards.

"Home improvement contracting" (Abbr: HIC) means that service which provides for repairs or improvements to one-family and two-family residential buildings or structures annexed to real property. The BLD classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC, or gas fitting functions. It does not include high rise buildings, buildings with more than two dwelling units, or new construction functions beyond the existing building structure other than decks, patios, driveways and utility out buildings.

"Landscape irrigation contracting" (Abbr: ISC) means that service which provides for the installation, repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. This specialty may install backflow prevention devices incidental to work in this specialty when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Landscape service contracting" (Abbr: LSC) means that service which provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes, or placement of landscaping timbers. The BLD classification also provides for this function.

"Lead abatement contracting" (Abbr: LAC) means that service which provides for the removal or encapsulation of lead-containing materials annexed to real property. No other classification or specialty service provides for this function, except that the PLB and HVA classifications may provide this service incidental to work in those classifications.

"Liquefied petroleum gas contracting" (Abbr: LPG) means that service which includes the installation, maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in transporting, storing or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and central heating systems that require an HVA or PLB license. The GFC

specialty also provides for this function. A firm holding a LPG license is responsible for meeting all applicable tradesman licensure standards.

"Marine facility contracting" (Abbr: MCC) means that service which provides for the construction, repair, improvement, or removal of any structure the purpose of which is to provide access to, impede, or alter a body of surface water. The BLD and H/H classifications also provide for this function. The MCC specialty does not provide for the construction of accessory structures or electrical, HVAC or plumbing functions.

"Masonry contracting" (Abbr: BRK) means that service which includes the installation of brick, concrete block, stone, marble, slate or other units and products common to the masonry industry, including mortarless type masonry products. This includes installation of grout, caulking, tuck pointing, sand blasting, mortar washing, parging and cleaning and welding of reinforcement steel related to masonry construction. The BLD classification and HIC and CIC specialties also provide for this function.

"Modular/manufactured building contracting" (Abbr: MBC) means that service which provides for the installation or removal of a modular or manufactured building manufactured under ANSI standards. This classification does not cover foundation work; however, it does allow installation of piers covered under HUD regulations. It does allow a licensee to do internal tie ins of plumbing, gas and electrical or HVAC equipment. It does not allow for installing additional plumbing, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The H/H and BLD classifications also provide for this function.

"Natural gas fitting provider contracting" (Abbr: NGF) means that service which provides for the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment which requires an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an NGF license is responsible for meeting all applicable tradesman licensure standards.

"Painting and wallcovering contracting" (Abbr: PTC) means that service which provides for the application of materials common to the painting and decorating industry for protective or decorative purposes, the installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface preparation, caulking, sanding and cleaning preparatory to painting or coverings and includes both interior and exterior surfaces. The BLD classification and the HIC and CIC specialties also provide for this function.

"Radon mitigation contracting" (Abbr: RMC) means that service which provides for additions, repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. This function can only be performed by a firm holding the BLD classification or CIC (for other than one-family and two-family dwellings), FIC (for nonresidential farm buildings) or HIC (for one-family and two-family dwellings) specialty services. No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty.

"Recreational facility contracting" (Abbr: RFC) means that service which provides for the construction, repair, or improvement of any recreational facility, excluding paving and the construction of buildings, plumbing, electrical, and HVAC functions. The BLD classification also provides for this function.

"Refrigeration contracting" (Abbr: REF) means that service which provides for installation, repair, or removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty. This specialty is intended for those contractors who repair or install coolers, refrigerated casework, ice-making machines, drinking fountains, cold room equipment, and similar hermetic refrigeration equipment. The HVAC classification also provides for this function.

"Roofing contracting" (Abbr: ROC) means that service which provides for the installation, repair, removal or improvement of materials common to the industry that form a watertight, weather resistant surface for roofs and decks. This includes roofing system components when installed in conjunction with a roofing project, application of dampproofing or waterproofing, and installation of roof insulation panels and other roof insulation systems above roof deck. The BLD classification and the HIC and CIC specialties also provide for this function.

"Sewage disposal systems contracting" (Abbr: SDS) means that service which provides for the installation, repair, improvement, or removal of septic tanks, septic systems, and other on-site sewage disposal systems annexed to real property.

"Swimming pool construction contracting" (Abbr: POL) means that service which provides for the construction, repair, improvement or removal of in-ground swimming pools. The BLD classification and the RFC specialty also provide for this function. No trade related plumbing, electrical, backflow or HVAC work is included in this specialty.

"Vessel construction contracting" (Abbr: VCC) means that service which provides for the construction, repair, improvement, or removal of nonresidential vessels, tanks, or piping that hold or convey fluids other than sanitary, storm, waste, or potable water supplies. The H/H classification also provides for this function.

"Water well/pump contracting" (Abbr: WWP) means that service which provides for the installation of a water well system, which includes construction of a water well to reach groundwater, as defined in § 62.1-255 of the Code of Virginia, and the installation of the well pump and tank, including pipe and wire, up to and including the point of connection to the plumbing and electrical systems. No other classification or specialty service provides for construction of water wells. This regulation shall not exclude PLB, ELE or HVAC from installation of pumps and tanks.

Note: Specialty contractors engaging in construction which involves the following activities or items or similar activities or items may fall under the CIC, HIC and/or FIC specialty services, or they may fall under the BLD classification.

Appliances	Fireplaces	Rubber Linings
Awnings	Fireproofing	Sandblasting
Blinds	Fixtures	Scaffolding
Bulkheads	Floor Coverings	Screens
Cabinetry	Flooring	Sheet Metal
Carpentry	Floors	Shutters
Carpeting	Glass	Siding
Casework	Glazing	Skylights
Ceilings	Grouting	Storage Bins and Lockers
Chimneys	Grubbing	Stucco
Chutes	Guttering	Temperature Controls
Conduit Rodding	Insulation	Terrazzo
Curtains	Interior Decorating	Tile
Curtain Walls	Lubrication	Vaults
Decks	Metal Work	Vinyl Flooring
Doors	Millwrighting	Wall Panels
Drapes	Mirrors	Wall Tile
Drywall	Miscellaneous Iron	Waterproofing
Epoxy	Ornamental Iron	Weatherstripping
Exterior Decoration	Partitions	Welding
Facings	Protective Coatings	Windows
Fences	Railings	Wood Floors
Fiberglass	Rigging	

Historical Notes:

Derived from VR220-01-2:1 §1.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006.

PART II.

ENTRY.

18 VAC 50-22-40. Requirements for a Class C license.

- A. A firm applying for a Class C license must meet the requirements of this section.
- B. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
1. Is at least 18 years old;
 2. Has a minimum of two years experience in the classification or specialty for which he is the qualifier;
 3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm;
 4. Where appropriate, has passed the trade-related examination or has completed an education and training program approved by the board and required for the specialties listed below:

Blast/explosive contracting	HVAC
Electrical	Plumbing
Fire Sprinkler	Radon mitigation
Gas fitting	Water well drilling
 5. Has obtained, pursuant to the tradesman regulations, a master tradesman license as required for those classifications and specialties listed in 18 VAC 50-22-20 and 18 VAC 50-22-30.
- C. The firm shall provide information for the past five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its qualified individual or individuals, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.
- D. The firm, the qualified individual, and all members of the responsible management of the firm shall disclose at the time of application any current or previous contractor licenses held in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes but is not limited to any monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license in Virginia or in any other jurisdiction.

- E. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm, all members of the responsible management, and the qualified individual or individuals for the firm:
1. All misdemeanor convictions within three years of the date of application; and
 2. All felony convictions during their lifetime.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

Historical Notes:

Derived from VR220-01-2:1 §2.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-50. Requirements for a Class B license.

- A. A firm applying for a Class B license must meet the requirements of this section.
- B. A firm shall name a designated employee who meets the following requirements:
1. Is at least 18 years old;
 2. Is a full time employee of the firm as defined in this chapter, or is a member of responsible management as defined in this chapter;
 3. Has passed a board-approved examination as required by § 54.1-1108 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
 4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the date of the exam.
- C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
1. Is at least 18 years old;

2. Has a minimum of three years experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. Where appropriate, has passed the trade-related examination or has completed an education and training program approved by the board and required for the classifications and specialties listed below:

Blast/explosive contracting	HVAC
Electrical	Plumbing
Fire Sprinkler	Radon mitigation
Gas fitting	Water well drilling

5. Has obtained, pursuant to the tradesman regulations, a master tradesman license as required for those classifications and specialties listed in 18 VAC 50-22-20 and 18 VAC 50-22-30.

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$15,000 or more.

E. Each firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its designated employee, qualified individual or individuals, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.

F. The firm, the designated employee, the qualified individual and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes but is not limited to any monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed above have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated or surrendered in connection with a disciplinary action in Virginia or any other jurisdiction.

G. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm, designated employee, all members of the responsible management, and the qualified individual or individuals for the firm:

1. All misdemeanor convictions within three years of the date of application;
and
2. All felony convictions during their lifetime.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

Historical Notes:

Derived from VR220-01-2:1 §2.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-60. Requirements for a Class A license.

- A. A firm applying for a Class A license shall meet all of the requirements of this section.
- B. A firm shall name a designated employee who meets the following requirements:
 1. Is at least 18 years old;
 2. Is a full-time employee of the firm as defined in this chapter or is a member of the responsible management of the firm as defined in this chapter;
 3. Has passed a board-approved examination as required by § 54.1-1106 of the Code of Virginia or has been exempted from the exam requirement in accordance with § 54.1-1108.1 of the Code of Virginia; and
 4. Has followed all rules established by the board or by the testing service acting on behalf of the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any oral or written instructions given at the site on the day of the exam.
- C. For every classification or specialty in which the firm seeks to be licensed, the firm shall name a qualified individual who meets the following requirements:
 1. Is at least 18 years old;

2. Has a minimum of five years of experience in the classification or specialty for which he is the qualifier;
3. Is a full-time employee of the firm as defined in this chapter or is a member of the firm as defined in this chapter or is a member of the responsible management of the firm;
4. Where appropriate, has passed the trade-related examination or has completed an education and training program approved by the board and required for the classifications and specialties listed below:

Blast/explosive contracting	HVAC
Electrical	Plumbing
Fire Sprinkler	Radon mitigation
Gas fitting	Water well drilling
and	

5. Has obtained, pursuant to the tradesman regulations, a master tradesman license as required for those classifications and specialties listed in 18 VAC 50-22-20 and 18 VAC 50-22-30.

D. Each firm shall submit information on its financial position. Excluding any property owned as tenants by the entirety, the firm shall state a net worth or equity of \$45,000.

E. The firm shall provide information for the five years prior to application on any outstanding, past-due debts and judgments; outstanding tax obligations; defaults on bonds; or pending or past bankruptcies. The firm, its designated employee, qualified individual or individuals, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments or defaults on bonds directly related to the practice of contracting as defined in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia.

F. The firm, the designated employee, the qualified individual, and all members of the responsible management of the firm shall disclose at the time of application any current or previous substantial identities of interest with any contractor licenses issued in Virginia or in other jurisdictions and any disciplinary actions taken on these licenses. This includes but is not limited to, any monetary penalties, fines, suspensions, revocations, or surrender of a license in connection with a disciplinary action. The board, in its discretion, may deny licensure to any applicant when any of the parties listed above have had a substantial identity of interest (as deemed in § 54.1-1110 of the Code of Virginia) with any firm that has had a license suspended, revoked, voluntarily terminated, or surrendered in connection with a disciplinary action in Virginia or in any other jurisdiction.

G. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information about the firm, all members of the responsible management, the designated employee and the qualified individual or individuals for the firm:

1. All misdemeanor convictions within three years of the date of application;
and
2. All felony convictions during their lifetime.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

Historical Notes:

Derived from VR220-01-2:1 §2.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-70. Qualifications for licensure by reciprocity.

Firms originally licensed in a state with which the board has a reciprocal agreement may obtain a Virginia contractor's license in accordance with the terms of that agreement.

Historical Notes:

Derived from VR220-01-2:1 §2.4, eff. March 31, 1995.

18 VAC 50-22-80. Examinations.

All examinations required for licensure shall be approved by the board and provided by the board or a testing service acting on behalf of the board, or another governmental agency or organization. The examination fee shall consist of the administration expenses of the Department of Professional and Occupational Regulation ensuing from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$100 per element to the candidate.

Historical Notes:

Derived from VR220-01-2:1 §2.5, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-90. Past due recovery fund assessments.

No license shall be issued to an applicant whose previous license or certificate was suspended for nonpayment of a Virginia Contractor Transaction Recovery Fund assessment until all past-due assessments have been paid.

Historical Notes:

Derived from VR220-01-2:1 §2.6, eff. March 31, 1995.

18 VAC 50-22-100. Fees.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the Department:

Fee Type	When Due	Amount Due
Class C Initial License	with license application	\$150
Class B Initial License	with license application	\$175
Class A Initial License	with license application	\$200
Declaration of Designated Employee	with license application	\$40
Qualified Individual Exam Fee	with exam application	\$20
Class B Exam Fee	with exam application (\$20 per section)	\$40
Class A Exam Fee	with exam application (\$20 per section)	\$60
Water Well Exam	with exam application	\$40

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The examination fees approved by the board but administered by another governmental agency or organization shall be determined by that agency or organization.

Historical Notes:

Derived from VR220-01-2:1 §2.7, eff. March 31, 1995; amended, Virginia Register Volume 13, Issue 5, eff. January 1, 1997; Volume 15, Issue 12, eff. May 1, 1999; Volume 17, Issue 21, eff. September 1, 2001; Volume 19, Issue 6, eff. January 1, 2003, Volume 21, Issue 20, eff. August 1, 2005.

PART III.
RENEWAL.

18 VAC 50-22-110. Renewal required.

Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the license.

Historical Notes:

Derived from VR220-01-2:1 §3.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-120. Procedures for renewal.

The Department of Professional and Occupational Regulation will mail a notice of renewal to the licensee at the last known address of record. Failure to receive this notice shall not relieve the licensee of the obligation to renew. If the licensee does not receive the notice of renewal, a copy of the license may be substituted with the required fee.

Historical Notes:

Derived from VR220-01-2:1 §3.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-130. Qualifications for renewal.

- A. The license holder's completed renewal form and appropriate fees must be received within 30 days of the license expiration date in order to renew the license. Applications and fees received after the 30-day period will be processed in accordance with Part IV (18 VAC 50-22-160 et seq.) of this chapter.
- B. Applicants for renewal of a Class C license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-40. Applicants for renewal of a Class B license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-50. Applicants for renewal of a Class A license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-60.

Historical Notes:

Derived from VR220-01-2:1 §3.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-140. Renewal fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable.

In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the Department:

Fee Type	When Due	Amount Due
Class C Renewal	with renewal application	\$ 110
Class B Renewal	with renewal application	\$ 150
Class A Renewal	with renewal application	\$ 165

The date on which the renewal fee is received by the Department of Professional and Occupational Regulation or its agent shall determine whether the licensee is eligible for renewal or must apply for reinstatement.

Historical Notes:

Derived from VR220-01-2:1 §3.4, eff. March 31, 1995; amended, Virginia Register Volume 13, Issue 5, eff. January 1, 1997; Volume 15, Issue 12, eff. May 1, 1999; Volume 17, Issue 21, eff. September 1, 2001; Volume 19, Issue 6, eff. January 1, 2003; Volume 21, Issue 20, eff. August 1, 2005.

18 VAC 50-22-150. Board discretion to deny renewal.

- A. The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a licensee. The licensee has a right to appeal any such action by the board under the Administrative Process Act (§ 9.6.14:1 et seq. of the Code of Virginia).
- B. Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order may result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, processing a new application, or exam administration.

Historical Notes:

Derived from VR220-01-2:1 §3.5, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

PART IV.

REINSTATEMENT.

18 VAC 50-22-160. Reinstatement required.

Should the Department of Professional and Occupational Regulation fail to receive a license holder's renewal form and appropriate fees within 30 days of the license expiration date, the licensee shall be required to reinstate the license. Applicants for reinstatement of a Class C license shall meet the requirements of 18 VAC 50-22-130. Applicants for reinstatement of a Class B license shall continue to meet the qualifications for licensure set forth in 18 VAC 50-22-50. Applicants for reinstatement of a Class A license shall continue to meet all the qualifications for licensure set forth in 18 VAC 50-22-60.

Historical Notes:

Derived from VR220-01-2:1 §4.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-170. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the Department:

Fee type	When Due	Amount Due
Class C Reinstatement	with reinstatement application	\$ 260*
Class B Reinstatement	with reinstatement application	\$ 325*
Class A Reinstatement	with reinstatement application	\$ 365*

* Includes renewal fee listed in 18 VAC 50-22-140.

The date on which the reinstatement fee is received by the Department of Professional and Occupational Regulation or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a new license and meet the entry requirements in place at the time of that application. In order to ensure that licensees are qualified to practice as contractors, no reinstatement will be permitted once one year from the expiration date of the license has passed.

Historical Notes:

Derived from VR220-01-2:1 §4.2, eff. March 31, 1995; amended, Virginia Register Volume 13, Issue 5, eff. January 1, 1997; Volume 17, Issue 21, eff. September 1, 2001; Volume 19, Issue 6, eff. January 1, 2003; Volume 21, Issue 20, eff. August 1, 2005; Volume 22, Issue 8, eff. February 1, 2006.

18 VAC 50-22-180. Status of licensee during the period prior to reinstatement.

- A. When a license is reinstated, the licensee shall continue to have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.
- B. A contractor who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore:
 - 1. The contractor shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.
 - 2. A consumer who contracts with a contractor during the period between the expiration of the license and the reinstatement of the license shall not be prohibited from making a claim on the Virginia Contractor Transaction Recovery Fund.

A contractor who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward.

Nothing in this chapter shall divest the board of its authority to discipline a contractor for a violation of the law or regulations during the period of time for which the contractor was licensed.

Historical Notes:

Derived from VR220-01-2:1 §4.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-190. Board discretion to deny reinstatement.

- A. The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a licensee. The licensee has a right to appeal any such action by the board under the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. Failure to timely pay any monetary penalty, reimbursement of cost or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

Historical Notes:

Derived from VR220-01-2:1 §4.4, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

PART V.

STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 50-22-200. Remedial education, revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

Historical Notes:

Derived from VR220-01-2:1 §5.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-210. Change of business entity requires a new license.

Licenses are issued to firms as defined in this chapter and are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the firm shall apply for a new license, on a form provided by the board, within 30 days of the change in the business entity. Such changes include but are not limited to:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Formation or dissolution of a corporation, a limited liability company, or an association or any other business entity recognized under the laws of the Commonwealth of Virginia.

Historical Notes:

Derived from VR220-01-2:1 §5.2, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual.

- A. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 90 days of the change.

- B. Any change of designated employee shall be reported on a form provided by the board within 90 days of the change. The new designated employee for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 B. The new designated employee for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 B.
- C. Any change of qualified individual shall be reported on a form provided by the board within 45 days of the change. The new qualified individual for a Class C licensee shall meet the requirements of 18 VAC 50-22-40 B. The new qualified individual for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 C. The new qualified individual for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 C.

Historical Notes:

Derived from VR220-01-2:1 §5.3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-230. Change of name or address.

- A. A licensee must operate under the name in which the license is issued. Any name change shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's not having reported a change of name.
- B. Any change of address shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's not having reported a change of address.

Historical Notes:

Derived from VR220-01-2:1 §5.4, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

18 VAC 50-22-240. Deletion or addition of a classification or specialty.

- A. A licensee wishing to delete a classification or specialty from its license shall notify the board in writing. If a licensee has only one classification or specialty, deletion of that classification or specialty will result in termination of the license.
- B. A licensee wishing to add a classification or specialty to its license shall complete a form provided by the board. A Class C licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-40 B for the new classification

or specialty. A Class B licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-50 C for the new classification or specialty. A Class A licensee seeking an additional classification or specialty shall meet the requirements of 18 VAC 50-22-60 C for the new classification or specialty.

Historical Notes:

Derived from VR220-01-2:1 §5.5, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21,
eff. September 1, 2001.

18 VAC 50-22-250. Fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus an additional processing charge set by the Department:

Fee Type	When Due	Amount Due
Change of Designated Employee	with change form	\$40
Change of Qualified Individual	with change form	\$40
Addition of Classification or Specialty	with addition application	\$40

Historical Notes:

Derived from VR220-01-2:1 §5.6, eff. March 31, 1995; amended, Virginia Register Volume 13, Issue 5, eff. January 1, 1997; Volume 17, Issue 21, eff. September 1, 2001; Volume 19, Issue 6, eff. January 1, 2003; Volume 21, Issue 20, eff. August 1, 2005.

18 VAC 50-22-260. Filing of charges; prohibited acts.

- A. All complaints against contractors may be filed with the Department of Professional and Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the Code of Virginia.
- B. The following are prohibited acts:
1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board.
 2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license.
 3. Failure of the responsible management, designated employee, or qualified individual to report to the board, in writing, the suspension or revocation of a contractor license by another state or conviction in a court of competent jurisdiction of a building code violation.
 4. Publishing or causing to be published any advertisement relating to contracting which contains an assertion, representation, or statement of fact that is false, deceptive, or misleading.
 5. Negligence and/or incompetence in the practice of contracting.
 6. Misconduct in the practice of contracting.
 7. A finding of improper or dishonest conduct in the practice of contracting by a court of competent jurisdiction.
 8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee or his agent.
 9. Failure of those engaged in residential contracting as defined in this chapter to comply with the terms of a written contract which contains the following minimum requirements:
 - a. When work is to begin and the estimated completion date;

- b. A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment;
 - c. A listing of specified materials and work to be performed, which is specifically requested by the consumer;
 - d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;
 - e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;
 - f. Disclosure of the cancellation rights of the parties;
 - g. For contracts resulting from a door-to-door solicitation, a signed acknowledgment by the consumer that he has been provided with and read the Department of Professional and Occupational Regulation statement of protection available to him through the Board for Contractors;
 - h. Contractor's name, address, license number, class of license, and classifications or specialty services; and
 - i. Statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.
- 10. Failure to make prompt delivery to the consumer before commencement of work of a fully executed copy of the contract as described in subdivisions 8 and 9 of this subsection for construction or contracting work.
 - 11. Failure of the contractor to maintain for a period of five years from the date of contract a complete and legible copy of all documents relating to that contract, including, but not limited to, the contract and any addenda or change orders.
 - 12. Refusing or failing, upon request, to produce to the board, or any of its agents, any document, book, record, or copy of it in the licensee's possession concerning a transaction covered by this chapter or for which the licensee is required to maintain records.

13. Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.
14. Abandonment (defined as the unjustified cessation of work under the contract for a period of 30 days or more).
15. The intentional and unjustified failure to complete work contracted for and/or to comply with the terms in the contract.
16. The retention or misapplication of funds paid, for which work is either not performed or performed only in part.
17. Making any misrepresentation or making a false promise that might influence, persuade, or induce.
18. Assisting another to violate any provision of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or this chapter; or combining or conspiring with or acting as agent, partner, or associate for another.
19. Allowing a firm's license to be used by another.
20. Acting as or being an ostensible licensee for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's business.
21. Action by the firm, responsible management as defined in this chapter, designated employee or qualified individual to offer, give, or promise anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry.
22. Where the firm, responsible management as defined in this chapter, designated employee or qualified individual has been convicted or found guilty, after initial licensure, regardless of adjudication, in any jurisdiction, of any felony or of any misdemeanor, there being no appeal pending therefrom or the time of appeal having lapsed. Any plea of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt.
23. Failure to inform the board in writing, within 30 days, that the firm, a member of responsible management as defined in this chapter, its designated employee, or

its qualified individual has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or of a Class 1 misdemeanor or any misdemeanor conviction for activities carried out while engaged in the practice of contracting.

24. Having been disciplined by any county, city, town, or any state or federal governing body including action by the Virginia Department of Health, which action shall be reviewed by the board before it takes any disciplinary action of its own.
25. Failure to abate a violation of the Virginia Uniform Statewide Building Code, as amended.
26. Failure of a contractor to comply with the notification requirements of the Virginia Underground Utility Prevention Act, Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia (Miss Utility).
27. Practicing in a classification, specialty service, or class of license for which the contractor is not licensed.
28. Failure to satisfy any judgments.
29. Contracting with an unlicensed or improperly licensed contractor or subcontractor in the delivery of contracting services.
30. Failure to honor the terms and conditions of a warranty.
31. Failure to obtain written change orders, which are signed by both the consumer and the licensee or his agent, to an already existing contract.
32. Failure to ensure that supervision, as defined in this chapter, is provided to all Helpers and laborers assisting licensed tradesman.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006.

18 VAC 50-22-270. Repealed

Historical Notes:

Derived from VR220-01-2:1 §5.8, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001; Volume 22, Issue 8, eff. February 1, 2006.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

STATEMENT OF CONSUMER PROTECTIONS

THIS CONSUMER INFORMATION SHEET IS PROVIDED
THROUGH THE BOARD FOR CONTRACTORS AND MAY
BE REPRODUCED BUT NOT ALTERED

If you are about to engage the services of a contractor in the Commonwealth of Virginia, you should be aware of the state's program for the regulation of this occupation by licensing or certifying these businesses.

Any contractor who undertakes a project the total value of which is \$120,000 or more is required to have a valid Class A license issued by the Board for Contractors. Any contractor who undertakes a project the total value of which is over \$7,500 but less than \$120,000 must have a valid Class B license. A licensed contractor has met standards established by the Board for Contractors to ensure that the licensee possesses the character, knowledge, and skills necessary to practice without harm to the public.

Any contractor who undertakes a project the total value of which is more than \$1,000 but no more than \$7,500 is required to have a valid Class C license. Class C licensure requires that the contractor submit information to the Board for Contractors concerning the location, nature, and operation of the business, as well as evidence of experience and information on the applicant's credit history. **Contractors who work in the plumbing, electrical, heating/ventilation/air-conditioning or gas-fitting trades must have either a Class A, Class B, or Class C license, according to project amount.**

Before signing any contract, you should ask to see the license or the pocket card issued with the license number and check to be sure that it has not expired and that the contractor is working within the limits of his licensure.

The authority of the Board for Contractors to discipline the licensed contractors is limited to specific violations of the law and/or regulations of the board, such as written citations from the local Building Inspectors for violations of the Virginia Uniform Statewide Building Code or practices which constitute abandonment, gross negligence, continued incompetence, or misconduct in the practice of the profession. In such cases disciplinary action by the board is limited to fines and/or revocation or suspension of the contractor's license, and such action can only be taken after a hearing or with the consent of the license holder and his agreement to waive his right to a hearing.

The board does not have the authority to order a license holder to make restitution to you for losses you may have incurred due to the contractor's poor performance; efforts to recover such funds must be made through the civil courts. If you are planning to take such action against the contractor, you should contact the Board for Contractors at (804) 367-1559 in order to receive information about the Virginia Contractors Transaction Recovery Fund and the procedures for

applying to recover from the fund if you are unable to collect after judgment is awarded in court. Issues involving cosmetic defects in workmanship must be resolved by negotiation between you and your contractor or civil action to enforce the terms of your contract if necessary. **You should be careful in reviewing the contract before signing it in order to be sure that the terms of the agreement are clear and acceptable to you.** You should know that, customarily, the initial down payment is no more than 30% of the total value of the contract and that, if you are dissatisfied with the work performed by the sub-contractors, you may hold the general contractor responsible. Finally, remember that, in accordance with the Virginia Home Solicitation Sales Act (Code of Virginia, Section 59.1-21.1 et seq.), you have a three-day right to cancel a contract which you have negotiated in your home. (For more precise information about the application of this law, see the Code of Virginia or seek legal advice.)

Should you have reason to believe that your contractor may not have complied with the rules and regulations of the Board for Contractors, you should notify the Department of Professional and Occupational Regulation by calling (804) 367-8504 or write to the following address:

Department of Professional and Occupational Regulation
Compliance & Investigations Division
The Perimeter Center, Suite 400
9960 Mayland Drive
Richmond Virginia 23233

The aforementioned information is not intended to be an exhaustive list of the remedies available to you through your local government or other agencies. If you need additional assistance, call the Virginia Department of Agriculture and Consumer Services, Citizens Assistance number at (804) 786-2373, or write to the following address:

Department of Agriculture and Consumer Services
102 Governor Street
Richmond, Virginia 23219